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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,317	07/30/1999	REINER WAMSSER	10191/1145	9279
26646	7590	07/21/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			MASKULINSKI, MICHAEL C	
			ART UNIT	PAPER NUMBER
			2113	

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/364,317

Applicant(s)

WAMSSER ET AL.

Examiner

Michael C Maskulinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Final Office Action**

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 8 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poisner, U.S. Patent 6,012,154, and further in view of Kadnier, Windows NT 4: The Complete Reference. The Examiner maintains the rejection from the previous Office Action, paper no. 23, mailed February 11, 2004, the body of which can be found there.
3. Claim 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poisner, U.S. Patent 6,012,154, and further in view of Kadnier, Windows NT 4: The Complete Reference. The Examiner maintains the rejection from the previous Office Action, paper no. 23, mailed February 11, 2004, the body of which can be found there.

***Allowable Subject Matter***

4. Claims 1-7 are allowed.

***Response to Arguments***

5. Applicant's arguments filed May 11, 2004 have been fully considered but they are not persuasive.
6. On pages 2-3, under the section REMARKS, the Applicant argues that the Examiner's claim that a controller for exchanging data with the processor is inherent to the system of Poisner is incorrect. The Examiner respectfully disagrees. By definition a

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controller is a device on which other devices rely for access to a computer subsystem<sup>1</sup>.

In Figure 2, it is clear that without the expansion bus bridge, devices connected to the host bus would not be able to access the expansion bus. Further, as stated in the previous Office Action, the expansion bus bridge is capable of resetting the processor in response to not receiving data. This demonstrates that the expansion bus bridge receives data and forwards it. The fact that the expansion bus bridge is capable of resetting the processor is not what makes it a controller, but rather its ability to move data from one bus to another. Still further, by definition a bus bridge is a device that connects networks using the same communications protocols so that information can be passed from one to the other<sup>2</sup>. As can be seen a bus bridge acts as a means to pass data, therefore, it controls the data it receives. The Examiner maintains that a controller for exchanging data with the processor is inherent to the system of Poisner.

7. On page 4, under the section REMARKS, the Applicant argues, "according to the Examiner's assertion, the processor that executes an operating system-related software agent is **separate** (emphasis by Applicant) from the stored-program control in Poisner, which means the stored-program control in Poisner doesn't 'continually execute an SPS program on a real-time operating system.'" The Examiner respectfully disagrees. In column 2, lines 31-52 and in Figure 2, Poisner discloses an operating system-related software agent running on a processor (the stored-program control). The processor exchanging data with the controller is the same processor continually executing an SPS

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<sup>1</sup> Microsoft Press Computer Dictionary, Third Edition, 1997, page 117.

<sup>2</sup> Microsoft Press Computer Dictionary, Third Edition, 1997, page 63.

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program on a real-time operating system (see Poisner: column 2, line 31—column 3, line 40).

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C Maskulinski whose telephone number is (703) 308-6674. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MM

  
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